

REMARKS/ARGUMENTS

Claims 1-36 are pending. In light of the amendments and following remarks, Applicants believes all the pending claims are in condition for allowance.

Applicant appreciates the Examiner's courtesy in discussing the subject application in a telephonic interview on September 8, 2004. The cited art, invention and amended claims were discussed. The Examiner said it appeared that the amendments would overcome the cited art, but the amendments would raise new issues and possibly a further search. Applicant agreed to file an RCE for further consideration.

Claims 1-32 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Patent No. 6,628,943, issued September 30, 2003 to Agrawal et al. (hereinafter "Agrawal"). Accordingly, it is being asserted that Agrawal discloses all the features of the claims. For the following reasons, Applicant respectfully traverses the rejection.

The invention relates to separating a mobile switching center (MSC) into two entities – a mobile control function (MCF) and a call agent (CA). The CA is therefore designed to perform call control operations for both mobile and non-mobile calls (page 10, lines 8-18). Advantages include that the CA need not be specifically developed for mobile applications and new calling features can be implemented without requiring a redesign of the MSC (page 10, lines 19-21). Also, the MCF and CA can be made by different vendors (page 11, lines 1-2). The MCF performs mobility-related operations (see, e.g., page 10, lines 1-7) while the CA performs call control operations (see, e.g., page 10, lines 8-18).

As described in the background of the application (page 1, line 13 et seq.), prior art mobile switching centers (MSCs) perform mobility-related operations and call control operations as a single entity. Agrawal describes a system that uses the H.225 protocol for connection establishment and the H.245 protocol for control (col. 5, lines 41-43). Agrawal describes that in the prior art, both these protocols would utilize bandwidth on wireless links in a wireless

environment (see, e.g., FIG. 2). Thus, Agrawal proposes that mobile terminal 301 send an active packet to a gatekeeper (GK) in order to execute an agent process defined by a stored program on the GK (col. 7, lines 50-56 and col. 8, lines 1-4).

The agent process in Agrawal executes the H.245 protocol for control. By having the agent execute this protocol on behalf of the mobile terminal, traffic can be reduced over the wireless links (col. 7, lines 21-27).


However, Agrawal has not been shown to describe a distributed mobile control function and call agent, wherein the call agent is able to perform call control operations for both mobile and non-mobile calls as claimed. Agent 304 in Agrawal is within the entity of the GK and in fact, the agent instructs the gatekeeper to execute programs that are already stored on the GK (col. 8, lines 1-4). Thus, Agrawal has not been shown to disclose the claimed call agent that perform call control operations for both mobile and non-mobile calls.

In short, the Agrawal reference is directed to another problem and discusses a different solution than the claimed invention. As the cited art has not been shown to disclose all the features of claim 1 as amended, a prima facie case of anticipation has not been established. Claims 1-3, 9-11, 17-19, 25-27, and 33-36 all include similar features to the ones described above in reference to claim 1 so they are all patentably distinct for at least the same reasons.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8693.

Respectfully submitted,



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